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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,028	08/18/2003	Toshiaki Sato	450100-04711	3822

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EXAMINER

GESESSE, TILAHUN

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/643,028	SATO ET AL.	
	Examiner	Art Unit	
	Tilahun B. Gesesse	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/31/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of claims

1. This is in response to applicant's amendment and argument filed July 31, 2006, in which claim 4 has been deleted and claims 1-3, 5-13 are pending.

Response to Arguments

Applicant's arguments with respect to claims 1-3,5-13 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

Claim 5 is objected to because of the following informalities: claim 5 depends on canceled claim, applicant should delete 4 which is deleted claim. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3,5-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lustial in view of Koike (US 6,201,867).

Claim 1, Lustial teaches a portable terminal apparatus (see figure 1 and abstract) comprising;

Lustial teaches a housing (see figure 1, and page 1, paragraph 0007-0016)

Lustial teaches a surface lighting portion (see page 2, paragraph 0022-0035 and figure 1) provided on the outer surface of the housing and including a light source (see page 2, paragraph 0022-0035 and figure 1).

Lustial teaches a light guiding plate for guiding light emitted from said light source and scattering said light from one surface, (see page 2, paragraph 0030-0034).

Lustial teaches a panel member detachably mounted on the housing so as to cover said surface lighting portion, at least a part of said panel member being transparent or semitransparent (see page 1, paragraph 0014-0015 , page 3, paragraph 0036 and figure 1).

Lustial teaches a control portion for controlling lighting patterns of the surface lighting: portion (see page 2, para 0023-0025)

Lustial teaches the control portion controls the lightning patterns of the surface lightning portion according to an event occurring in said apparatus such that the light emitted from the surface lighting portion is transmitted through the panel member (see page 2 paragraph 0022-0035 and fig.1) in which the control processor drives the LEDs

1012 and respective light guide 16-18, upon incoming call or input to the keys of mobile terminal by the user, different color of light is illuminated.

Lustial teaches a cover that overlaps a display which transparent and the cover is removable (see page 1, paragraph 0014-0015). Lustial differs in teach a panel member detachably mounted on the housing. However, Koike teaches a portable telephone and a body cover "detachable panel member" transparent member, see items 4 and 5 of figure 1 and column 2, lines 49-60). Both Lustial and Koike teach light decorating portable device, then , it would have been obvious to an artisan of ordinary skill in the art at the time of the invention was made to use a cover panel , in Lustial system , as evidenced by Koike , in order to protect the display unit from external forces (see col.1,line 68-col.2 line 1).

Claim 2, Lustial teaches surface lighting portion has at least outer surface ((see page 2, paragraph 0022-0035 and figure 1).

Lustial differs in teaching a flat plate like member and means for holding the flat plate like member placed on the flat outer surface of the surface lighting portion.

However, Koike teaches a portable telephone and a body cover "detachable panel member" transparent member, see items 4 and 5 of figure 1 and column 2, lines 49-60). Both Lustial and Koike teach light decorating portable device, then , it would have been obvious to an artisan of ordinary skill in the art at the time of the invention was made to use a cover panel , in Lustial system , as evidenced by Koike , in order to protect the display unit from external forces (see col.1,line 68-col.2 line 1).

Claim 3, Lustial teaches the apparatus has a communication function, and the whole of said surface lighting portion is illuminated upon receiving an incoming call (page 2, paragraph 0027-0035).

Claim 5, Lustial teaches means for changing a lighting pattern provided by the surface lighting portion according to a caller upon receiving an incoming call (see page 2, paragraph 0027-0035).

Claim 6, Lustial and Koike teach all limitations as explained in claim 1 above. Further more, Lustial teaches means for detecting the information (see page 2, paragraph 0027).

Lustial teaches means for controlling the lighting portion (control processor 3) according to the information detected by the detecting means (see page 2, paragraphs 0023- 0027).

Claim 7, Lustial teaches a portable terminal apparatus having a communication function, (se abstract).

Lustial teaches an upper housing having an inner surface and an outer surface, (see page 2 paragraph 0021).

Lustial teaches a surface lighting portion provided on the outer surface of the upper housing (cover) (page 2, paragraph 0022-0035 and figure 1), which includes light guiding 16-18 (see page 2, paragraph 0022).

Lustial teaches control means (control processor 3) for controlling lighting patterns of the lighting portion and the surface lighting portion independently and selectively (see page 2 para 0022-0035 and figure 1).

Lustial does not teach a lower housing and a hinge portion for pivotably connecting the upper housing and the lower housing so that the upper housing is foldable with respect to the lower housing.

However, Koike teaches a lower housing (5) and a hinge portion (snap members 7 and recesses 9) for pivotably connecting the upper housing and the lower housing so that the upper housing is foldable with respect to the lower housing (see col.2, lines49-60 and figure 1) in which the upper body cover 4 and the lower body cover 5 , integrating each other with engaging snap 7 and recesses 9, so that the upper body cover foldable with respect to lower body cover.

It would have been obvious to an artisan of ordinary skill in the art at the time of the invention was made to use an engaging snap member integrally connect the upper body and lower body in Lustial system (the outer protective cover, see page 2, paragraph 0021), as evidenced by Koike , for integrating the upper body and lower body of the cover (col.2, lines 49-60 and figure 1).

Claim 8, Lustial teaches the means for variably controlling the lighting patterns of the lighting portion and the surface lighting portion according to an event occurring in the apparatus (see page 2, paragraph 0022-0027).

Claim 9, Lustial teaches at least two of calling, speaking, and charging (see page 2, paragraphs 0025- 0027).

Claim 10, Lustial teaches the control means comprises means for changing the lighting pattern of at least the surface lighting portion according to a caller upon receiving an incoming call (see page 2, paragraphs 0025-0027).

Claim 11, Lustial teaches means for variably controlling the lighting patterns of the lighting portion and the surface lighting portion according to a user instruction (see page 2, paragraph 0022-0027).

Claim 12, Lustial teaches lighting portion has a semi-cylindrical light guiding member (fluorescent tubes) so that light emerging (see page 1, paragraph 0008 and figure 1).

Lustial teaches lighting portion is visible in a direction parallel to the outer surface of the surface lighting portion at least in the folded condition of said upper housing (see page 1, paragraph 0008 and figure 1).

Claim 13. Lustial teaches the light emerging from the lighting portion is visible also in a direction perpendicular to the outer surface of said surface lighting portion (see page 1, paragraph 0008 and figure 1).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 571-272-7879. The examiner can normally be reached on flexible schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899.

The Central FAX Number is 571-273-8300. For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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9/28/06


TILAHUN GESESSE
PRIMARY EXAMINER